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MT LEGISLATIVE HISTORY

Chapter 477 1989

Bill (H) 495 S _____ Original bill & hist. ___C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	Feb 10	✓C	Hearing Date(s)	Mar 16	✓C
	Feb 15	✓C		Mar 17	✓C
		___C			___C
		___C			___C
Date Out	Feb 15	✓C		Mar 17	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

they just throw people in jail, slam the door and walk off. They must provide what is reasonable in a county jail if they are going to lock people up. They must provide adequate space, adequate sanitary conditions, security protection, reasonable health and dental care, wholesome dietary meals and other necessities. Yellowstone County built a new jail at a cost of $10.2 million. The operating cost to maintain one prisoner in that jail is $38 per day. That is just the ongoing cost. That does not include any capital improvement. Counties are in a position where it is difficult to operate county jails on just county budgets. The counties need assistance to help with this operation.

Testifying Opponents and Who They Represent:

Wally Jewell, Montana Magistrate's Association
Chuck Stearns, City of Missoula

Opponent Testimony:

Wally Jewell spoke in opposition to HB 493 (See EXHIBIT 10).

Chuck Stearns submitted written testimony in opposition to HB 493 (See EXHIBIT 11).

Questions From Committee Members:

Rep. Brown asked if there is a present split of funds at the county level and if this bill would change that split. He said the fiscal note doesn't tell anything. Rep. Strizich said he has a request to have the fiscal note redone for precisely that reason. That's why he has not signed the fiscal note.

Closing by Sponsor: Rep. Strizich closed saying this bill provides at least a partial solution to the current problem. He urged the committee to strongly consider the bill.

HEARING ON HOUSE BILL 495

Presentation and Opening Statement by Sponsor:

Rep. Strizich opened the hearing saying that HB 495 has been introduced at the request of several groups in Great Falls that are concerned with the problems of our children and chemical abuse. This bill simply expands the definition of possession of an intoxicating substance by minors to include acceptance and consumption, in other words, it includes both the acceptance of the alcohol or intoxicating substance for consumption and the consumption itself. This section of the law has been narrowly construed by many county attorneys. What this narrow construction has done is preclude arrests of youths who are clearly intoxicated or youths who are suspected of physically accepting an intoxicating substance from another person. The problem affects our schools, and

it affects the way law enforcement is able to effectively put pressure on keggers. Many times dangerous situations are presented to law enforcement people with regard to intoxicated kids and there is nothing they can do in terms of exerting any kind of control over that situation.

Testifying Proponents and Who They Represent:

Mike DaSilva, Helena Stop DUI Task Force
Barbara Moy, Coordinator of Stop DUI Task Force
Captain Bill Fleiner, Lewis and Clark County Sheriff's Department and Montana Sheriff's and Peace Officer's Association
Wally Jewell, Montana Magistrate's Association
Jill Polette, Stop DUI Task Force
Representative Paula Darko, House District 2

Proponent Testimony:

Mike DaSilva, on behalf of the Helena Stop DUI Task Force, spoke in support of HB 495. He said one of the problems they have is demonstrated by a recent case where a police officer stopped an automobile and cited everyone in the automobile for possession. One of the minors in the car was in the back seat and had an open can of beer clenched firmly between his feet. When the case went to court, the judge threw that out as possession because the beer was on the floor, not in his hand. Logic tells us that he was probably drinking it. The point is, some judges construe the law as it currently exists to say that is not possession of alcohol. This bill would clear that up. Mr. DaSilva urged the committee to give this bill a Do Pass recommendation.

Barbara Moy spoke in favor of HB 495 (See EXHIBIT 12).

Captain Bill Fleiner spoke in support of HB 495. He said this particular bill, from the enforcement standpoint, would be very instrumental and very crucial to the success of the Stop DUI Task Force and law enforcement people. It was about 1978 when law enforcement officials began to realize the magnitude of the problem that was developing with juveniles and intoxicating substances. They have had difficulty combatting the problem because of the loopholes in the system. It is difficult to combat the problems under the current system. On behalf of the Montana Sheriff's and Peace Officer's Association he urged the committee's support of HB 495.

Wally Jewell, representing the Montana Magistrate's Association, asked to be included as a proponent of HB 495 for the record.

Rep. Darko requested to be registered as a proponent to HB 495.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members:

Rep. McDonough said she does not see how this bill will help the problem to which it refers. Rep. Strizich said this bill was drafted at the request of the Cascade County DUI Task Force and they conferred with the county attorney. The intent is to expand the scope of the issue. The legal advisor from the Legislative Council feels this is constitutionally acceptable. He said he can share Rep. McDonough's concerns but the current problems are frustrating enough to demand some action.

Rep. Eudaily asked what the time limit for "prior possession" would include. Rep. Strizich responded that the duration of time would depend upon what a police officer could prove in court. The intent of the bill is to handle situations such as those existing at keggers. The typical situation at a kegger is there are about 50 kids and one keg. When the sheriff's deputy shows up if nobody has a cup, nobody gets arrested. That doesn't make sense and that is what this is designed to deal with.

Closing by Sponsor: Rep. Strizich closed the hearing saying that the intent of this bill is not to increase the punitive nature of our laws, it is simply to allow us to impact children who are in dangerous situations and get them services and education with regard to their use and abuse of chemicals.

DISPOSITION OF HOUSE BILL 450

Motion: Rep. Mercer moved HB 450 DO PASS. Rep. Daily seconded the motion.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Mercer moved to amend the bill to strike section 2, the unlawful discharge of firearm penalty section. Rep. Daily seconded the motion.

Rep. Mercer said that there are two problems with this bill. On one side there are people who believe cities should be able to regulate outside their boundaries and therefore they don't like the bill. On the other side there are people who don't like the language in the unlawful discharge penalty section. We have laws on the books right now that will take care of the penalties.

EXHIBIT 15
DATE 2-10-89
HB 495

WITNESS STATEMENT

NAME Jill Poletto BILL NO. 495

ADDRESS 1689 Larson Drive

WHOM DO YOU REPRESENT? Stop DUI TASK FORCE

SUPPORT X OPPOSE _____ AMEND _____

COMMENTS: I see students at Mountain View School as the Educational Vocational Counselor daily. These youth come from allover the state for 45 day Evaluations and Commitments. In most cases Drugs & Alcohol have influenced their life and their parents lives. This deprives youth of their opportunity to work and develop their full potential educational and emotionally.

When I register these girls for school they typically are ½ - 2 years behind in education, are not involved in extracurricular activities and have hopes of being Child Psychologist, Juvenile Probation Officer, Lawyers, Police Officers and Dr. are high interest in high adventure activities on the Strong Interest test.

I would support anything we can do to stop drinking and driving under the influence of drugs &

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-34
Rev. 1985

JUDICIARY COMMITTEE

BILL NO. HOUSE BILL 495 DATE FEB. 10, 1989

SPONSOR REP. STRIZICH

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Jill Polluta	1689 Lamar Dr	X	
Wally Jewell	MT MAG Assoc	X	
Barbara Moy	Hunt's Up & Up Co. Stop-DUI T.F.	X	
Chuck O'Reilly	Mt. Sheriff & Peace Off.	X	
Bill Fleiner	Mt Sheriffs & Peace Off	X	
Mike Schafer	Mt Sheriff & Peace Off	X	
Mike DaSilva	Stop DUI Task Force	X	
Jon Hedges	Attorneys Mt.		

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

City-County Building
P.O. Box 1723
Helena, Montana 59624
Telephone 406/443-1010

LEWIS AND CLARK COUNTY

STOP-D.U.I. Task Force — Health Department

The Helena/Lewis and Clark County STOP-DUI Task Force supports HB 495 for these reasons:

* Teenagers are more prone to becoming alcoholic/chemically dependent than adults because their bodies simply are not developed physiologically, psychologically, or emotionally. The younger youth are when they begin to drink, the greater their risk of developing the disease of alcoholism.

* The following statistics point to the importance of passing legislation which will provide help to our youth so as they will not become adult offenders of DUI and related offenses:

- Juniors and Seniors in high school who drink on a regular basis have 1 out of 5 chances of becoming alcoholic.

- Sophomores and those in lower grades who drink on a regular basis have 1 out of 2 chances of becoming alcoholic.

- Drug and alcohol counselors in the Helena area are seeing youth who have 4,5, and 6 MIP charges!

- 32.8% of students in 11th & 12th grades, Helena School District 1, are "at risk" from alcohol use. "At risk" refers to students who are at risk for becoming involved in accidents, having diminished potential, and incurring social and psychological developmental problems due to chemical use.

- 60% of students in 11th & 12th grades, Helena School District 1, have reported drinking while driving.

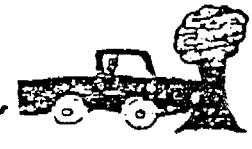
- Helena Police Department Statistics:

  1986: 106 MIP violations
  4 DUI violations (juveniles)

  1987: 181 MIP violations
  16 DUI violations (juveniles)

HB 495 provides for stricter enforcement and handling of persons under the age of 21 who unlawfully use intoxicating substances.

It's because we care.



have had exemplary behavior in the youth levels; yet we persist in punishing them when it has not been deserved. To Rep. Bradley, this brings a happy compromise. It brings families, parents, guardians, etc. into the act, which is exactly how it should be.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Nelson questioned if there was any minimum age established? Rep. Grady responded, no. This applies to anyone under 21 years of age.

Rep. Daily in reference to page 2, line 10 questioned why .05 was chosen instead of .01 as it currently stands? Mike Males addressed Rep. Daily's question by stating that it is a more conservative standard to reflect the age group. .05 is the standard of impairment used under the drunk driving statutes that they used as a guideline.

Closing by Sponsor: In closing, Rep. Grady stressed to the committee that the full intent of this bill is to try to keep children from becoming alcoholics. This bill helps to clarify that you can still give children a glass of wine without the intention of making them become alcoholics.

DISPOSITION OF HOUSE BILL 606

Motion: Rep. Addy made a DO PASS motion, seconded by Rep. Hannah.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Wyatt moved to add section 45-5-624, subsection 1 of Rep. Darko's HB 393 to the statute, motion seconded by Rep. Gould. Motion CARRIED.

Recommendation and Vote: A DO PASS AS AMENDED motion was made by Rep. Darko, motion seconded by Rep. Gould. A vote was taken and CARRIED unanimously.

DISPOSITION OF HOUSE BILL 495

Motion: Rep. Strizich motioned DO PASS, seconded by Rep. Darko.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Strizich moved amendments (EXHIBIT 9), seconded by Rep. Darko. Motion

CARRIED.

Rep. Hannah questioned if this solves the constitutional problem? What does this bill accomplish? Rep. Strizich addressed Rep. Hannah's concern by stating that this bill tries to allow some intervention where there currently is none. It comes down to a practical matter.

Recommendation and Vote: A DO PASS AS AMENDED motion was made by Rep. Strizich, seconded by Rep. Darko. Motion CARRIED with a Roll Call Vote of 10-ayes, 8-nays.

DISPOSITION OF HOUSE BILL 393

Motion: A DO PASS motion by Rep. Darko was made, seconded by Rep. Wyatt.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Daily moved amendments (EXHIBIT 10), motion seconded by Rep. Darko. Motion CARRIED.

Recommendation and Vote: Rep. Darko motioned DO PASS AS AMENDED, seconded by Rep. Boharski. A vote was taken and CARRIED unanimously that HB 393 DO PASS AS AMENDED.

DISPOSITION OF HOUSE BILL 422

Motion: Rep. Eudaily moved HB 422 DO PASS, motion seconded by Rep. Darko.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Eudaily moved the proposed amendments (EXHIBIT 11), motion seconded by Rep. Stickney. Motion CARRIED.

Recommendation and Vote: Rep. Eudaily motioned DO PASS AS AMENDED, motion seconded by Rep. Aafedt. A vote was taken and CARRIED unanimously.

DISPOSITION OF HOUSE BILL 493

Motion: A DO PASS motion was made by Rep. Strizich, motion seconded by Rep. Darko.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Strizich moved the proposed amendments (EXHIBIT 12), motion seconded by Rep. Brooke. Motion CARRIED.

Rep. Knapp commented that his objection to this bill is that it is a surtax bill and that they don't like to administer the

DAILY ROLL CALL

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date FEB. 15, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH	X		
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		

STANDING COMMITTEE REPORT

February 15, 1989

Mr. Speaker: We, the committee on Judiciary report that HOUSE BILL 495 (first reading copy -- white) do pass as amended .

Signed: _____
Dave Brown, Chairman

And, that such amendments read:

1. Title, line 8.
Strike: "OR ACCEPTANCE"

2. Page 1, lines 17 and 21.
Following: "knowingly"
Insert: "consumes or"

3. Page 1, line 22.
Following: "offense"
Insert: "if he consumes or gains possession of the beverage because it was lawfully supplied to him under 16-6-305 or "

4. Page 1, line 24.
Following: "not be"
Insert: "consuming or"

5. Page 2, lines 1 through 5.
Strike: "It is" on line 1 through end of line 5

EXHIBIT 9
DATE 2-15-89
495

Amendments to House Bill No. 495
First Reading Copy

Requested by Reps. Mercer and Strizich
For the Committee on the Judiciary

Prepared by John MacMaster
February 13, 1989

1. Title, line 8.
Strike: "OR ACCEPTANCE"

2. Page 1, lines 17 and 21.
Following: "knowingly"
Insert: "consumes or"

3. Page 1, line 22.
Following: "offense"
Insert: "if he consumes or gains possession of the beverage because it was lawfully supplied to him under 16-6-305 or "

4. Page 1, line 24.
Following: "not be"
Insert: "consuming or"

5. Page 2, lines 1 through 5.
Strike: "It is" on line 1 through end of line 5

ROLL CALL VOTE

JUDICIARY COMMITTEE

DATE FEB. 15, 1989 BILL NO. HB 495 NUMBER 1

NAME	AYE	NAY
REP. KELLY ADDY, VICE-CHAIRMAN	X	
REP. OLE AAFEDT		X
REP. WILLIAM BOHARSKI	X	
REP. VIVIAN BROOKE	X	
REP. FRITZ DAILY		X
REP. PAULA DARKO	X	
REP. RALPH EUDAILY		X
REP. BUDD GOULD		X
REP. TOM HANNAH		X
REP. ROGER KNAPP	X	
REP. MARY McDONOUGH		X
REP. JOHN MERCER	X	
REP. LINDA NELSON	X	
REP. JIM RICE	X	
REP. JESSICA STICKNEY	X	
REP. BILL STRIZICH	X	
REP. DIANA WYATT		X
REP. DAVE BROWN, CHAIRMAN		X
TALLY	10	8

julie Emge
Secretary

Chairman

Motion: DO PASS AS AMENDED by Rep. Strizich, seconded by Rep. DARKO. MOTION CARRIED.

Testimony:
There was none.

Questions from Committee Members:

Senator Yellowtail asked if parents would be required to test their children for intoxication. Rep. Grady said no, there would have to be a common sense approach. He said the bill also provided that a person providing an intoxicating quantity of alcohol to a person under 21 years of age subject to civil liability for tortious acts committed by the person while intoxicated.

Closing by the Sponsor:
Rep. Grady closed the hearing.

HEARING ON HOUSE BILL 495

Presentation and Opening Statement by the Sponsor:
Representative Bill Strizich of Great Falls, representing District #41, opened the hearing. He said the bill simply clarifies "possession" of intoxicating substances. Problems occur for school authorities when students come to school in an intoxicated state or high on drugs. Under present statute, authorities cannot intervene. This bill will allow a means for dealing with the problem.

List of Testifying Proponents and What Group they Represent:
Judy Griffith, Helena Project Care, Lewis and Clark DUI Task Force, her own Chemical Dependency Counselling and Consulting, Helena School District Chemical Awareness Programming
Janet Gray, herself
Mike DaSilva, Lewis and Clark DUI Task Force
Barb Moy, Lewis and Clark County , Stop DUI Coordinator
Ruth Hodges, Lake County DUI Task Force
Raelene Beaton, Lewis and Clark County Commissioner and Stop DUI
Captain Robert Sayer, Great Falls Police Department
Claire Cantrell, Gallatin County Task Force
Leonard Wharton, Jefferson County Task Force
Gary Davis, Great Falls High School
Steve Henneberg, C. M. Russell High School

List of Testifying Opponents and What Group They Represent:
There were none.

Testimony:
Judy Griffith said she had been working with young people and adults on alcohol issues for 10 years and she strongly urged passage of the bill with some amendments. Alcohol use by youth is out of control, she said, because of ambiguous messages from adults that minor possession charges are not being
taken seriously. Some students have made a game of collecting citations, posting them on their locker doors and laughing and joking about them, she said. She distributed a fact sheet (Exhibit 2) and results of a survey (Exhibit 3) to members of the committee. She said one fact not indicated by the survey was that 18 to 20% of all students surveyed, grades 7 through 12, said they had their first "drunk" at age 12 or before. She called attention to the blackout statistics, where students use, drinking and driving and problems resulting from alcohol. She said we need to tell these students that they are too important for us to look the other way. Children who have their first drink at 13, she stated, can become addicted in 6 months to 2 years, whereas it may take 20 years for an adult. She said a change in the bill for youngsters to age 21 to consume, but not to be in possession, was an inconsistency and took the teeth out of the law. She said that alcohol, in many cases, diminished the potential of students.

Janet Gray, aged 17, a senior in high school, and an alcoholic, said the bill needs to be strong enough to address have an impact. She said most kids laugh about possession citations. She urged the law to be the same for all kids up to the age of 21. When she drank, she thought she couldn't be arrested for possession if she consumed all the alcohol in her possession. She told of a youth who died in a DUI incident a year after receiving his drivers license. Many kids get off, she said, for a first offense. She urged passage of the bill. She submitted her notes (Exhibit 4) as well as a copy of a magazine article (Exhibit 5) for the committee's perusal.

Mike DaSilva said he chaired the Lewis and County DUI Task Force and that his group were from the city and county school systems, senior citizens, parents and other concerned citizens. He said a person who does not have alcohol in his hand is not considered in possession. Having consumed alcohol also constitutes possession, he said. He urges putting the 18 to 21 year old group back into the possession law.

Barbara Moy reiterated Mike DaSilva's testimony. She local alcohol and drug counsellors have seen kids with 4,5 or 6 MITs and they thought it was a joke. One she knew of had 16 MITs, she told the committee. She said she had worked with troubled youth in many capacities and that kids will "beat the system" whenever they can. She asked for support of the bill, including the suggested amendments.

Ruth Hodges said that, in 1988, the state of Montana Board of Crime Control had alarming statistics on the problem of youthful drinking and problems.

Raelene Beaton spoke in support of the bill and urged the amendment including persons to the age of 21.

Captain Rob Sayer of the Great Falls Police Department viewed this bill as a necessary tool. He said that last year the police department had a security force at the state fair. Around midnight every night, he stated, inebriated youngsters were rounded up and were taken home to their parents. This bill would give them the ability to meet the problem head on, he said.

Clair Cantrell said that current law frustrates officials and urged that the law be tightened up so they can do their job.

Leonard Whartman, urged support of the bill.

Gary Davis, dean of students at Great Falls High School, said he daily dealt with alcohol and drug problems. Recently, he had 5 youths in his office recently who were all high on marijuana. They had all smoked from one pipe, he said, yet only one was arrested for possession. And, he said he was left with 4 who were "higher than a kite" and he had to figure out what to do with them. This dilemma also sends a message to other students, he commented, that it was OK for them to come to school under the influence of illegal substances. He felt the safety and welfare of all students, including the offender must be considered. He felt the responsibility of school authorities and police must also be considered. He strongly urged passage of the bill.

Steve Eneberg, dean of student at C. M. Russell High School. He said his school also had to deal with students showing up under the influence at extracurricular activities and causing problems. He said the school-related problems could be dealt with, but that it was possible for the youths to

"slip through the cracks" and later be driving and causing injury to themselves or to others. He urged passage of the bill.

Questions From Committee Members:
Senator Mazurek wondered how broadening the law would affect the "game playing" aspect of the situation. Barb Moy thought the bill would reduce the number of players, as youths driving around in a car could get picked up even if there was no alcohol in it.

Senator Mazurek said criminalizing consumption would be appropriate in getting treatment, but he wondered if it would be consistent with adult law. Rep. Strizich said he thought it was, given the compromise of including youth aged 18 through 21. He said the role of youth court was considerably different from other courts aimed at adults. Under our constitution, we can do things relating to youth in the best interest of them, he said.

Senator Mazurek said present law doesn't allow for this issue. Rep. Strizich agreed.

Senator Beck asked if a breathalyzer test would be used on youths who were picked up under suspicion. Representative Strizich said it would place the burden of "probable cause" on the police officers. Captain Sayer said the police are not allowed to demand a blood test, but that, generally, the kids would admit to their intoxication. He said the police can't give breathalyzer tests without the permission of the parent.

Senator Beck asked if penalty was $100. Capt. Sayer said it was $100 for adults and $50 for under 21.

Closing by Sponsor.
Representative Strizich said the exemption in the bill came about as a compromise on the floor of the House. The main reason for the bill was because of the problem in the schools, he said. He announced that Senator Vaughn would carry the bill on the floor of the Senate.

HEARING ON HOUSE BILL 393

Presentation and Opening Statement by Sponsor:
Representative Paula Darko of Libby, representing District

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989 Date 3-16-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN			✓
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT			✓
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

BILL NO. City-County Building HB 46
P.O. Box 1723
Helena, Montana 59624
Telephone 406/443-1010

LEWIS AND CLARK COUNTY

STOP-D.U.I. Task Force — Health Department

e Helena/Lewis and Clark County STOP-DUI Task Force supports HB 393, HB 425, HB 495, HB 582 d HB 606 for the following reasons: (primary focus)

Drinking is a factor in 80%-90% of traffic fatalities.

A large percentage of individuals arrested for DUI are diagnosed as either alcoholic or problem drinkers.

The BAC of a person arrested for DUI is generally .10% or more, with BAC'S of .18% to .20% being average. To reach a BAC of .10% or more, an abnormal use of alcohol is required.

Because many DUI offenders are either alcoholic or problem drinkers, they need appropriate strategies that compel them to abstain from drinking altogether.

Teenagers are more prone to becoming alcoholic/chemically dependent than adults because their bodies simply are not developed physiologically, psychologically, or emotionally. The younger youth are when they begin to drink, the greater their risk of developing the disease of alcoholism. Currently, alcohol-related motor vehicle crashes constitute the leading cause of death for youth of driving age.

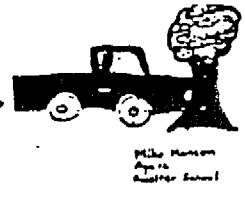
Drug and alcohol counselors in the Helena area are seeing youth who have 4, 5, and 6 MIP charges!

A recent drug and alcohol survey administered to Helena School District # 1 students (grades 7 thru 12) reveals this information:

- 32.8% of students in 11th & 12th grades are "at risk" from alcohol use.
- 60% of students in 11th and 12th grades have reported drinking while driving.
- 20% of students in grades 7 thru 12 have reported their school work is affected by chemical use.

cording to H. Laurence Ross, a speaker at a Highway Safety Conference, 1984, "Drunken iving is normal in this society. It is a natural product of our social institutions, in ticular our patterns of drinking and recreational activities and our patterns of nsportation." Our society will continue to experience the repercussions of alcohol-lated incidents and fatalities until the vast majority of people decide that drinking and iving is unacceptable and will not be tolerated. Therefore, the Helena/Lewis and Clark nty STOP-DUI Task Force supports the above mentioned House Bills as they will provide for stricter enforcement and handling of persons who unlawfully use intoxicating substances.

It's because we care.



used in churches. Senator Mazurek said there had many alcohol abuse experts present at the hearing and that none testified in opposition of the bill.

Amendments and Votes: None

Recommendations and Votes: Senator Jenkins MOVED that House Bill 606 BE CONCURRED IN. The MOTION CARRIED on a vote of 5 to 4 with Senators Harp, Pinsoneault, Yellowtail and Crippen voting NO.

DISPOSITION OF HOUSE BILL 393

Discussion: Valencia said the bill increases the penalty for possession in minors between the ages of 18 and 21. They essentially gutted the bill in the House and the heart of the bill was on p. 18, she said.

Wally Jewell said he had favored the bill before it had been "gutted." He said he thought it would help in the prosecution of youths and possibly discourage the consumption of alcohol.

Amendments and Votes: None

Recommendations and Votes: Senator Pinsoneault MOVED that House Bill 393 BE TABLED. After further discussion, he WITHDREW his motion.

Senator Halligan MOVED that House Bill 393 BE CONCURRED IN. The MOTION CARRIED by a vote of 7 to 2, with Senators Beck and Jenkins voting NO.

DISPOSITION OF HOUSE BILL 495

Discussion: Senator Jenkins said the bill was to remedy the law that, if a person under 21 has been discovered to have consumed alcohol or drugs, they cannot be charged with possession. Senator Halligan said "constructive possession" is sometimes charged when there is no actual possession. Valencia said "probable cause" could apply.

Amendments and Votes: None

Recommendations and Votes: Senator Jenkins MOVED that House Bill 495 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY.

ROLL CALL

JUDICIARY COMMITTEE

51st LEGISLATIVE SESSION -- 1989 Date 3-17-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN			✓
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

SENATE STANDING COMMITTEE REPORT

March 17, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 495 (third reading copy -- blue), respectfully report that HB 495 be concurred in.

Sponsor: Stricich (Vaughn)

BE CONCURRED IN

Signed: _____

Bruce D. Crippen, Chairman

scrhb495.s17